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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3714 of 1998
with
SPECIAL CIVIL APPLICATION No 4389 of 1996

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AKHIL GUJARAT VIDHYUT KAMDAR SANGH

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

1. Special Civil Application No. 3714 of 1998

MR MUKESH H RATHOD for Petitioner No. 1-4
MR SB VAKIL for Respondent No. 1-2
MS LILU K BHAYA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 15/12/2004

ORAL JUDGEMENT

1. Akhil Gujarat Vidhyut Kamdar Sangh, Registered

Trade Union and others, petitioners, have filed this petition before this Court with a prayer that this Court may issue a writ in the nature of mandamus or any other appropriate writ, order or direction, quashing and setting aside the General Standing Order No.322 dated 4.5.96 Annexure "F" issued by the respondent Board and also quash and set aside the condition and clarification issued by respondent - Board in Establishment Circulars Nos.578/A to 578/F in respect to impose condition for getting benefits of II and III Higher Grade such as over-all performance, requisite qualification and prescribed departmental examination and to declare that as per G.S.O. 578 dated 8.4.93, it is not necessary to fulfill the criteria for over-all performance, requisite qualification and prescribed departmental examination for getting II and III Higher Grade as per G.S.O. 578 dated 8.4.93 by way of writ of mandamus or writ of certiorari or any other writ, order or direction as this Court deems just and proper. The petitioners further prayed that this Court may direct the respondents to grant II and III Higher Grade as per G.S.O. 578 without insisting the conditions of over-all performance, requisite qualification and passing the departmental examination to all the concerned employees who are entitled to it and denied the same by insisting such conditions by way of writ of mandamus or writ of certiorari or any other writ, order or direction as this Court deems just and proper.

2. The petition was filed on 25th April, 1998. This Court admitted the matter on 8.5.1998 and also issued notice as to interim relief returnable on 22.6.98 and also directed to be heard with Special Civil Application No.4389/96. Thereafter the matter was listed for final hearing also.

3. Heard Mr.Mukesh Rathod, learned advocate for the petitioners and Ms.Lilu Bhaya, learned advocate for the respondents Gujarat Electricity Board.

4. Ms.Lilu Bhaya, learned advocate for the respondent Board has handed over to me a letter addressed by Union dated 15th October, 2004, and stated that, as regards Higher Grade scale regarding Special Civil Application No.3714 of 1998 and Special Civil Application No.4389 of 1996, there was an agreement between Board and Union of Mehsana. The Board has not adhere the Circular 578 (in view of the settlement dated 20th May, 2004, for Three Tier Higher Grade Scheme) which was subject matter of petition and there is also amicable settlement arrived at between the Board and the Union and now the Board has issued new G.S.O. No.334 for higher grade. In view of

the same, the Union have desire that they do not wish to continue the present proceedings.

5. In view of the same, both the petitions are accordingly disposed of as withdrawn with no order as to costs. Rule is discharged.

(K.M. Mehta, J.)

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